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98TH CONGRESS  
1ST SESSION

**H.R. 1417**

To promote the nuclear nonproliferation policies of the United States.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1983

Mr. WOLPE (for himself, Mr. BONKER, Mr. BARNES, Mr. UDALL, Mr. OTTINGER, Mr. MARKEY, Mr. LEACH of Iowa, Mr. SEIBERLING, Mr. EDGAR, Mr. FASCCELL, Mr. GEJDENSON, Mrs. SCHROEDER, Mrs. BOXER, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs

## A BILL

To promote the nuclear nonproliferation policies of the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**SHORT TITLE**

4 SECTION 1. This Act may be cited as the "Nuclear  
5 Nonproliferation Policy Act of 1983".

## FINDINGS

7 SEC. 2. The Congress finds that—

1        production of nuclear explosive devices poses a grave  
2        threat to the security of the United States and to inter-  
3        national security;

4                (2) the inadequacies of present international safe-  
5        guards in preventing and detecting the clandestine  
6        spread of these technologies substantially increase the  
7        risk that nuclear weapons capability will spread to non-  
8        nuclear-weapon states;

9                (3) development of effective international safe-  
10        guards is hampered by a reluctance of nations to  
11        submit to onsite inspections by the International  
12        Atomic Energy Agency (IAEA), by inadequate finan-  
13        cial resources of the IAEA, and by an absence of en-  
14        forceable sanctions for violators of nonproliferation  
15        agreements; and

16                (4) all nuclear supplier nations should more fully  
17        cooperate with each other to insure the integrity of in-  
18        ternational inspection, verification, and accounting  
19        procedures.

20 **TITLE I—AUTHORIZATIONS BY THE SECRETARY**  
21        **OF ENERGY FOR CERTAIN ACTIVITIES OUT-**  
22        **SIDE THE UNITED STATES**

23                **CONGRESSIONAL FINDING**

24        SEC. 101. The Congress finds and declares that authori-  
25        zations by the Secretary of Energy of transfers of nuclear

1 technology outside the United States are of vital importance  
2 in controlling nuclear weapons proliferation.

3 PUBLIC NOTICE AND REPORT TO CONGRESS CONCERNING  
4 ACTIVITIES AUTHORIZED

5 SEC. 102. Section 57 b. of the Atomic Energy Act of  
6 1954 (42 U.S.C. 2077(b)) is amended—

7 (1) by striking out “b. It” and inserting in lieu  
8 thereof “b. (1) It”;  
9 (2) by striking out “(1)” and “(2)” in the first sen-  
10 tence and inserting in lieu thereof “(A) and “(B)”, re-  
11 spectively; and

12 (3) by adding at the end thereof the following new  
13 paragraphs:

14 “(2) Notice of any authorization by the Secretary of  
15 Energy under this subsection shall be published in the Fed-  
16 eral Register, together with the written determination of the  
17 Secretary that the activity authorized will not be inimical to  
18 the interest of the United States. The authorization shall not  
19 become effective until at least fifteen days after such publica-  
20 tion.

21 “(3) Each report submitted to the Congress pursuant to  
22 section 601(a) of the Nuclear Non-Proliferation Act of 1978  
23 shall identify the activities subject to this subsection for  
24 which the Secretary of Energy provided authorization during  
25 the preceding calendar year, the person performing those ac-

1 tivities, and the country with respect to which the authoriza-  
2 tion was provided. For purposes of such reports, the Secre-  
3 tary of Energy shall require that persons, who engage in ac-  
4 tivities requiring authorization by the Secretary under this  
5 subsection and who are not required to submit an application  
6 for such authorization, report to the Secretary with respect to  
7 those activities.”.

8 COMPLIANCE WITH FULL-SCOPE SAFEGUARDS AND OTHER  
9 NONPROLIFERATION CRITERIA

10 SEC. 103. (a) Section 128 of the Atomic Energy Act of  
11 1954 (42 U.S.C. 2157) is amended by adding at the end  
12 thereof the following new subsection:

13 “c. (1) Except as provided in paragraph (2) of this sub-  
14 section, authorizations by the Secretary of Energy under sec-  
15 tion 57 b. shall be effective with respect to a nonnuclear-  
16 weapon state only if the Secretary of Energy has determined  
17 that such state adheres to the criterion set forth in subsection  
18 a. of this section and to criteria with respect to activities so  
19 authorized which are equivalent to the criteria set forth in  
20 section 127.

21 “(2) If the Secretary of Energy finds that an authoriza-  
22 tion should be provided under section 57 b. with respect to a  
23 nonnuclear-weapon state which does not adhere to all the  
24 criteria referred to in paragraph (1) of this subsection, the  
25 Secretary shall publicly issue such finding and shall submit

1 his recommendation for the proposed authorization to the  
2 President. The President may authorize the Secretary of  
3 Energy to grant the proposed authorization in accordance  
4 with the procedures, and subject to the requirements and  
5 conditions, set forth in the third and fourth sentences of sec-  
6 tion 126 b. (2) of this Act.”.

7 (b) The amendment made by this section shall take  
8 effect thirty days after the date of enactment of this Act.

9 **CONDUCT RESULTING IN SUSPENSION OF**

10 **AUTHORIZATIONS FROM THE SECRETARY OF ENERGY**

11 SEC. 104. Section 129 of the Atomic Energy Act of  
12 1954 (42 U.S.C. 2158) is amended—

13 (1) in the text preceding paragraph (1), by insert-  
14 ing “, and no authorization under section 57 b. of this  
15 Act shall be effective with respect to” immediately  
16 after “exported to”; and

17 (2) in the text following paragraph (2)(C), by in-  
18 serting “and authorizations” immediately after “such  
19 exports”.

20 **TITLE II—HIGHLY ENRICHED URANIUM**

21 **EXPORTS OF HIGHLY ENRICHED URANIUM**

22 SEC. 201. (a) The Atomic Energy Act of 1954 is  
23 amended by inserting the following new chapter immediately  
24 after chapter 11:

# CHAPTER 11A. EXPORTS OF HIGHLY ENRICHED URANIUM

3        "SEC. 135. STATEMENT OF UNITED STATES  
4    POLICY.—The Congress finds and declares that the contin-  
5    ued export and use of highly enriched uranium for civil nucle-  
6    ar power poses a potentially serious threat to United States  
7    security and foreign policy interests and that there is a need  
8    to accelerate current United States and international efforts  
9    to develop nuclear reactor fuels which are alternatives to  
0    highly enriched uranium and which cannot be easily convert-  
1    ed to use in a nuclear explosive device. Accordingly, it shall  
2    be the policy of the United States, in cooperation with other  
3    nations, to remove highly enriched uranium from interna-  
4    tional commerce, to expedite development of non-weapons-  
5    usable nuclear fuels, and to upgrade existing physical  
6    security and safeguards arrangements for handling highly en-  
7    riched uranium until it is removed from international  
8    commerce.

19        "SEC. 136. EXPORTS OF HIGHLY ENRICHED URANI-  
20    UM FOR REACTOR FUEL.—The Nuclear Regulatory Com-  
21    mission may issue a license for the export of highly enriched  
22    uranium to be used in a nuclear reactor only if, in addition to  
23    other requirements of law, the Commission determines  
24    that—

1           “(1) there is no alternative nuclear reactor fuel  
2           available which can be used in that reactor, and that  
3           reactor cannot otherwise use uranium which is en-  
4           riched in the isotope 235 to a lesser percent than is the  
5           proposed export;

6           “(2) the proposed recipient of that uranium has  
7           provided assurances that, when an alternative nuclear  
8           reactor fuel which can be used in that reactor becomes  
9           available, it will use that fuel in lieu of highly enriched  
10           uranium; and

11           “(3) the executive branch is taking whatever steps  
12           are necessary to develop an alternative nuclear reactor  
13           fuel.

14           “SEC. 137. LIMITATIONS ON QUANTITIES OF UNITED  
15  STATES-ORIGIN HIGHLY ENRICHED URANIUM.—The Nu-  
16  clear Regulatory Commission shall, in consultation with the  
17  Secretary of State, determine a kilogram limit on the amount  
18  of highly enriched uranium which has been exported from the  
19  United States that will be allowed, in the form of fresh or  
20  spent fuel, at any one time in each foreign country and at  
21  each reactor site in each such country. The Commission shall  
22  apply these limitations when considering any proposed export  
23  of highly enriched uranium.

24           “SEC. 138. IMPROVING PHYSICAL SECURITY AR-  
25  RANGEMENTS.—The Nuclear Regulatory Commission and

1 the executive branch shall support efforts, such as the trans-  
2 port by sea verification program (the 'TRANSEAVER Pro-  
3 gram'), to improve physical security arrangements for exports  
4 of highly enriched uranium.

5 "SEC. 139. ALTERNATIVE NUCLEAR REACTOR  
6 FUELS.—Not later than three months after the date of enact-  
7 ment of this chapter, the President shall submit to the Con-  
8 gress a plan, developed in consultation with the Secretary of  
9 State, with respect to the development and the use in foreign  
10 reactors of alternative nuclear reactor fuels. The objective of  
11 the plan shall be to complete, as soon as it is technically  
12 feasible to do so, the conversion to alternative nuclear reactor  
13 fuels of all reactors which are operated with highly enriched  
14 uranium exported from the United States. The plan shall  
15 specify—

16 "(1) the amounts that will be spent by the United  
17 States each fiscal year to develop alternative nuclear  
18 reactor fuels;

19 "(2) the steps the United States will take to facili-  
20 tate and encourage the use of alternative nuclear reac-  
21 tor fuels; and

22 "(3) how long it is estimated the conversion from  
23 highly enriched uranium to alternative nuclear reactor  
24 fuels will take.

1 The plan shall take into account the need to carry out exist-  
2 ing bilateral agreements between the United States and other  
3 countries.

4 "SEC. 140. DEFINITIONS.—As used in this Act—

5 " "(1) the term 'alternative nuclear reactor fuel'  
6 means reactor fuel which is enriched to 20 per centum  
7 or less in the isotope U-235 and which cannot be  
8 easily converted for use in a nuclear explosive device;  
9 and

10 " "(2) the term 'highly enriched uranium' means  
11 uranium enriched to greater than 20 per centum in the  
12 isotope 235.".

13 (b) The table of contents of the Atomic Energy Act of  
14 1954 is amended by inserting after the items relating to  
15 chapter 11 the following new items:

"CHAPTER 11A. EXPORTS OF HIGHLY ENRICHED URANIUM

"Sec. 135. Statement of United States policy.

"Sec. 136. Exports of highly enriched uranium for reactor fuel.

"Sec. 137. Limitations on quantities of United States-origin highly enriched  
uranium.

"Sec. 138. Improving physical security arrangements.

"Sec. 139. Alternative nuclear reactor fuel.

"Sec. 140. Definitions.".

16 **TITLE III—ARRANGEMENTS INVOLVING  
17 REPROCESSING**

18 **SUBSEQUENT ARRANGEMENTS INVOLVING REPROCESSING**

19 SEC. 301. Section 131 b. of the Atomic Energy Act of  
20 1954 (42 U.S.C. 2160(b)) is amended—

## 7 PROGRAMMATIC APPROVALS FOR REPROCESSING

8 SEC. 302. Chapter 11 of the Atomic Energy Act of  
9 1954 is amended by adding at the end thereof the following  
10 new section:

11        "SEC. 132. PROGRAMMATIC APPROVALS FOR RE-  
12 PROCESSING.—

13        "a. The United States may provide programmatic ap-  
14  proval for reprocessing to a nation or group of nations only if  
15  such approval is contained in a new or amended agreement  
16  for cooperation—

17           “(1) which, in addition to meeting other applicable  
18        requirements, provides that the cooperating party shall  
19        require compliance with the criterion set forth in sec-  
20        tion 128 a. of this Act with respect to its exports of  
21        source material, special nuclear material, production  
22        and utilization facilities, and sensitive nuclear  
23        technology;

24                   “(2) which provides a detailed description of the  
25                   activities approved;

1               “(3) which is submitted to the Congress with a  
2               certification by the President that the judgments re-  
3               quired by section 131 b. (2) of this Act, and the efforts  
4               required by section 131 b. (3) of this Act, with respect  
5               to subsequent arrangements have been made with re-  
6               spect to the proposed programmatic approval for repro-  
7               cessing; and

8               “(4) which has taken effect following review by  
9               the Congress under section 123 d. of this Act.

10               “b. (1) As used in this section, the term ‘programmatic  
11               approval for reprocessing’ means approval—

12               “(A) for the retransfer to a third country for re-  
13               processing of special nuclear material, in quantities  
14               greater than thirty-one metric tons, exported by the  
15               United States or produced through the use of any nu-  
16               clear material and equipment or sensitive nuclear tech-  
17               nology exported by the United States;

18               “(B) for the reprocessing of any such special nu-  
19               clear material in quantities greater than thirty-one  
20               metric tons; or

21               “(C) for the subsequent retransfer of plutonium, in  
22               quantities greater than two hundred and forty kilo-  
23               grams, resulting from the reprocessing of any such spe-  
24               cial nuclear material.

1       “(2) As used in this Act, the terms ‘nuclear material and  
2 equipment’ and ‘sensitive nuclear technology’ have the mean-  
3 ings given those terms by section 4(a) of the Nuclear Non-  
4 Proliferation Act of 1978.”.

5       **TITLE IV—SPECIAL FUNCTIONS OF THE SECRE-  
6           TARY OF DEFENSE IN NUCLEAR NONPROLIF-  
7           ERATION MATTERS**

8       **CONSIDERATION OF UNITED STATES NATIONAL SECURITY  
9           INTERESTS**

10       SEC. 401. (a) It is the purpose of this section to insure  
11 that the national security interests of the United States are  
12 fully considered during the United States nuclear nonprolif-  
13 eration evaluation process.

14       (b) Chapter 11 of the Atomic Energy Act of 1954, as  
15 amended by section 302 of this Act, is further amended by  
16 adding at the end thereof the following new section:

17       **“SEC. 133. SPECIAL FUNCTIONS OF THE SECRETARY  
18           OF DEFENSE.—**

19       “a. The Secretary of State and the Secretary of Energy  
20 may submit to the President a proposed agreement for coop-  
21 eration negotiated pursuant to section 123 of this Act only if  
22 they have received from the Secretary of Defense a written  
23 statement that the Secretary of Defense finds that the pro-  
24 posed agreement will not be inimical to the common defense

1 and security of the United States. Any such statement shall  
2 be submitted to the President with the proposed agreement.

3       “b. The Secretary of State may notify the Nuclear Reg-  
4 ulatory Commission of the judgment of the executive branch  
5 in accordance with section 126 a. (1) of this Act only if the  
6 Secretary of State has received from the Secretary of De-  
7 fense a written statement that the Secretary of Defense  
8 agrees with the proposed executive branch judgment.

9       “c. (1) The Secretary of Energy may enter into a pro-  
10 posed subsequent arrangement under section 131 of this Act  
11 only if the Secretary of Energy has received from the Secre-  
12 tary of Defense a written statement that the Secretary of  
13 Defense finds that the proposed arrangement will not be in-  
14 imical to the common defense and security of the United  
15 States. Any such statement shall be published in the Federal  
16 Register with the notice of the proposed arrangement.

17       “(2) In addition, the Secretary of Energy may enter into  
18 a subsequent arrangement subject to section 131 b. (2) of this  
19 Act only if the Secretary of Energy has received from the  
20 Secretary of Defense a written statement that it is the judg-  
21 ment of the Secretary of Defense that the proposed repro-  
22 cessing or retransfer will not result in a significant increase of  
23 the risk of proliferation beyond that which exists at the time  
24 that approval is requested. Among all the factors in making  
25 this judgment, foremost consideration will be given to wheth-

1 er or not the reprocessing or retransfer will take place under  
2 conditions that will insure timely warning to the United  
3 States of any diversion well in advance of the time at which  
4 the non-nuclear-weapon state could transform the diverted  
5 material into a nuclear explosive device.

6       “(3) In the case of a subsequent arrangement subject to  
7 paragraph (3) of section 131 b. of this Act, the Secretary of  
8 Energy shall, when obtaining the view of the Secretary of  
9 State, also obtain the view of the Secretary of Defense with  
10 respect to what conditions satisfy the standards set forth in  
11 paragraph (2) of that section.”.

12       **TITLE V—EXPORTS OF REPROCESSING**

13           **COMPONENTS AND TECHNOLOGY**

14           **PROHIBITION**

15       SEC. 501. (a) Chapter 11 of the Atomic Energy Act of  
16 1954, as amended by sections 302 and 401 of this Act, is  
17 further amended by adding at the end thereof the following  
18 new section:

19       **“SEC. 134. PROHIBITION OF EXPORTS OF REPROC-**  
20 **ESSING COMPONENTS AND TECHNOLOGY.—**

21       “a. Notwithstanding any other provision of law, essen-  
22 tial reprocessing components, sensitive reprocessing technol-  
23 ogy, and other assistance which is essential to nuclear fuel  
24 reprocessing, may not be exported or otherwise provided  
25 under any agreement for cooperation (except an agreement

1 for cooperation pursuant to section 91 c. or 144 c. of this  
2 Act) or under any authorization by the Secretary of Energy  
3 under section 57 b. of this Act.

4 "b. For purposes of this section—

5 " "(1) the term 'essential reprocessing component'  
6 means any component part or group of component  
7 parts which the President determines to be essential to  
8 the operation of a complete facility for nuclear fuel re-  
9 processing; and

10 " "(2) the term 'sensitive reprocessing technology'  
11 means any information (including information incorpo-  
12 rated in a production or utilization facility or important  
13 component part thereof) which is not available to the  
14 public and which is important to the design, construc-  
15 tion, fabrication, operation, or maintenance of a nuclear  
16 fuel reprocessing facility, but the term does not include  
17 Restricted Data controlled pursuant to chapter 12 of  
18 this Act.".

19 (b) Section 402(b) of the Nuclear Non-Proliferation Act  
20 of 1978 (42 U.S.C. 2153a(b)) is amended by striking out " ,  
21 nuclear fuel reprocessing," both places it appears.

1           **TITLE VI—EXPORTS LICENSED BY THE**  
2           **DEPARTMENT OF COMMERCE**  
3           **COMPLIANCE WITH FULL-SCOPE SAFEGUARDS AND OTHER**  
4           **NONPROLIFERATION CRITERIA**

5           SEC. 601. Section 128 of the Atomic Energy Act of  
6 1954 (42 U.S.C. 2157), as amended by section 103 of this  
7 Act, is further amended by adding at the end thereof the  
8 following new subsection:

9           “d. (1) Except as provided in paragraph (2) of this sub-  
10 section, the Secretary of Commerce may not issue a validat-  
11 ed license under the Export Administration Act of 1979 for  
12 the export to a non-nuclear-weapon state of goods or technol-  
13 ogy which are to be used in a production or utilization facili-  
14 ty, or which in the judgment of the Secretary of Commerce  
15 are likely to be diverted for use in such a facility, unless the  
16 Secretary of Energy has determined that such state—

17           “(A) adheres to the criterion set forth in subsec-  
18 tion a. of this section; and

19           “(B) adheres, with respect to all goods and tech-  
20 nology exported pursuant to such a validated license  
21 and used in such a facility, to criteria which are equiv-  
22 alent to the criteria set forth in section 127 of this Act.

23           “(2) If the Secretary of Energy finds that a license pro-  
24 hibited under paragraph (1) of this subsection should be  
25 issued, the Secretary shall publicly issue his decision to that

1 effect and shall submit the license application to the Presi-  
2 dent. The President may authorize issuance of the license in  
3 accordance with the procedures, and subject to the require-  
4 ments and conditions, set forth in the third and fourth sen-  
5 tences of section 126 b. (2) of this Act.”.

6 CONDUCT RESULTING IN DENIAL OF EXPORT LICENSES

7 SEC. 602. Section 129 of the Atomic Energy Act of  
8 1954 (42 U.S.C. 2158), as amended by section 104 of this  
9 Act, is further amended—

10 (1) in the text preceding paragraph (1), by insert-  
11 ing “, no validated license under the Export Adminis-  
12 tration Act of 1979 for the export of goods or technol-  
13 ogy which are to be used (or which in the judgment of  
14 the Secretary of Commerce are likely to be diverted  
15 for use) in any production or utilization facility shall be  
16 issued with respect to” immediately after “exported  
17 to”; and

18 (2) in the text following paragraph (2)(C), by in-  
19 serting “, licenses,” immediately after “such exports”.

○